

009] and are available for inspection or copying at Marine Safety Office Houston-Galveston, 9640 Clinton Drive, Galena Park, TX, 77547, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade (LTJG) George Tobey, Marine Safety Office Houston-Galveston, Port Waterways Management, at (713) 671-5100.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 11, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Captain of the Port Houston and Galveston Zone" [COTP Houston-Galveston-02-009] (67 FR 39919). The comment period for the NPRM expired on August 12, 2002. We received only two comments on this rule and both comments requested information on how to comment on the proposed rule. On December 10, 2002, as a result of those comments and to reflect changes in the size of the security zones proposed, we published a supplemental notice of proposed rulemaking (SNPRM) entitled "Security Zones; Captain of the Port Houston-Galveston Zone" [COTP Houston-Galveston-02-009] (67 FR 75831). Prior to the SNPRM being published we received one additional comment. That comment is treated as if it was submitted in response to the SNPRM. No public hearing was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. National security and intelligence officials continue to warn that future terrorist attacks against United States interests are likely. The temporary final rule published in the **Federal Register** on May 1, 2002 (67 FR 21578) as amended on June 11, 2002 (67 FR 39848) and extended on November 5, 2002 (67 FR 67301) expires on April 15, 2003. This rule replaces the original temporary final rule. Any delay in making this rule effective would be contrary to the public interest because action is necessary to protect against the possible loss of life, injury, or damage to property.

Background and Purpose

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. The President has continued the national emergencies he declared following those attacks (67 FR 58317 (Sep. 13, 2002) (continuing the

emergency declared with respect to terrorist attacks); 67 FR 59447 (Sep. 20, 2002) (continuing emergency with respect to persons who commit, threaten to commit or support terrorism)). The President also has found pursuant to law, including the Act of June 15, 1917, as amended August 9, 1950, by the Magnuson Act (50 U.S.C. 191, *et seq.*), that the security of the United States is and continues to be endangered following the terrorist attacks (E.O. 13,273, 67 FR 56215 (Sep. 3, 2002) (security of U.S. endangered by disturbances in its international relations and such disturbances continue to endanger such relations)).

In response to those terrorist acts, heightened awareness for the security and safety of all vessels, ports, and harbors is necessary. The Captain of Port Houston-Galveston established temporary security zones around highly industrial areas within the Captain of the Port Houston-Galveston Zone. These zones were published on June 11, 2002 [COTP Houston-Galveston-02-011] (67 FR 39851) and November 5, 2002 [COTP Houston-Galveston-02-018] (67 FR 67301).

On June 11, 2002, we published an NPRM entitled "Security Zones; Captain of the Port Houston-Galveston Zone" [COTP Houston-Galveston-02-009] (67 FR 39919). The comment period for the NPRM expired on August 12, 2002. We received only two comments on this rule and both comments requested information on how to comment on the proposed rule. On 10 December, 2002, as a result of those comments and to reflect changes in the size of the security zones proposed, we published a supplemental notice of proposed rulemaking (SNPRM) entitled "Security Zones; Captain of the Port Houston-Galveston Zone" [COTP Houston-Galveston-02-009] (67 FR 75831).

Discussion of Comments and Changes

We received a total of three comments on the proposed rule. Two comments requested information on how to comment on the proposed rule. No follow-up comments were received for either. The third comment was in support of the proposed rule. No comment suggested that any changes should be made to the proposed rule. Therefore, we have made no changes to the provisions of the proposed rule.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that

Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The impacts on routine navigation are expected to be minimal. Due to the highly industrialized nature of the areas in the vicinity of the zones, they are of limited interest to recreational boaters. Vessels engaged in commerce, assisting facilities located within a zone, or having the express permission of the Captain of the Port Houston-Galveston are authorized entry into a zone under this rule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. These security zones will not have an impact on a substantial number of small entities because this rule will not obstruct the regular flow of commercial vessel traffic conducting business within the zones. Other vessels may seek permission for entry into the zones from the Captain of the Port Houston-Galveston.

If you are a small business entity and are significantly affected by the regulation please contact LTJG George Tobey at U.S. Coast Guard Marine Safety Office Houston-Galveston, at (713) 671-5100.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's